



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent application of : Attorney Docket No.:
Kent Massey : 9698-2US1 (152705)
Serial No.: 10/003,196 : Group Art Unit:
Filed: October 29, 2001 : 2614
For: Methods and Apparatus for Presenting : Examiner:
Interactive Entertainment : Parry, Christopher L.

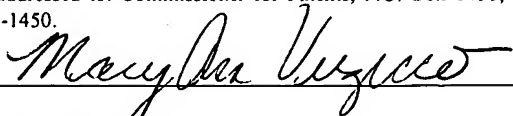
**AMENDMENT AFTER FILING APPEAL AND PRIOR TO FILING APPEAL BRIEF
PURSUANT TO 37 CFR 41.33(a)**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This amendment is being filed after the filing of a Notice of Appeal for the above-identified application but prior to the filing of the Appeal Brief pursuant to 37 CFR 41.33(a). The proposed amendment herein is made for the purposes of placing the rejected claims in better form for consideration on appeal. The sole change made by the proposed amendment is to a limitation in Claim 34, on page 12 of this document.

Please charge any fee relating to the amendment to Deposit Account No. 50-0573.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this document. **Remarks** begin on page 13 of this document.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
BY	
DATE:	December 12, 2007

AMENDMENTS TO THE CLAIMS:

The following listing of claims replaces all prior versions, and listings, of claims in the application.

1. (Previously presented) A method for structuring scene sequences for interactive entertainment, the method comprising the steps of:
 - (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer;
 - (b) delivering some of the scenes to the viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented to the viewer;
 - (c) for each alternative decision at a branching point, having available to present to the viewer a scene sequence corresponding to the decision;
 - (d) enabling the viewer to select one of the alternative decisions;
 - (e) in response to the viewer's selected one of the alternative decisions, presenting the scene sequence that corresponds to the decision;
 - (f) structuring the branching points and their related scene sequences such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene;
 - (g) producing one or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene, each set of variation scenes being associated with a scene that is viewable after the linking scene; and
 - (h) when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the linking scene.

2. (Original) The method of claim 1, further comprising the step of producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character.

3. (Previously presented) The method of claim 1 in which the entertainment may be viewed simultaneously by more than one interactive viewer, further comprising the steps of:

- (a) delivering some of the scenes to each interactive viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented; and
- (b) enabling different interactive viewers to make at least one of the alternative decisions.

4. (Previously presented) A method for structuring scene sequences for interactive entertainment, the method comprising the steps of:

- (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes;
- (b) in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented;
- (c) enabling the viewer to select one of the alternative decisions;
- (d) in each act that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the act is viewed;
- (e) prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act; and
- (f) presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that reflect the consequences of previous decisions selected from among the alternative decisions presented prior to the

linking scene and that correspond to the viewer's selected one of the alternative decisions.

5. Canceled.

6. (Previously presented) The method of claim 4 in which the entertainment may be viewed simultaneously by more than one interactive viewer, further comprising the steps of:

- (a) presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent act will be presented; and
- (b) enabling each interactive viewer to make at least one of the alternative decisions.

7. (Previously presented) A method for structuring scene sequences for interactive entertainment, the method comprising the steps of:

- (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes;
- (b) in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which a subsequent act will be presented;
- (c) enabling the viewer to select one of the alternative decisions;
- (d) in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act, wherein the alternative connecting scenes contain content that is related to the order in which the act is selected for viewing;
- (e) prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act; and
- (f) presenting to the viewer, in the subsequent act determined by his decision, the alternative connecting scenes that reflect the order in which the act is selected for viewing.

8. (Previously presented) The method of claim 7 in which the entertainment may be

viewed simultaneously by more than one interactive viewer, further comprising the steps of:

- (a) presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent act will be presented; and
- (b) enabling each interactive viewer to make at least one of the alternative decisions.

9. (Previously presented) An interactive entertainment embodied in a digital video storage medium with a data structure readable by a digital video player, and having an overall storyline to be delivered to a viewer, said data structure comprising:

- (a) a plurality of potentially viewable scenes;
- (b) some of the scenes defining branching points of the entertainment by presenting alternative decisions from which the viewer selects one of the alternative decisions;
- (c) for each alternative decision at a branching point, a sequence of scenes corresponding to the decision;
- (d) the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene;
- (e) one or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene and that corresponds to the viewer's selected one of the alternative decisions, each set of variation scenes being associated with a scene sequence that is viewable after the linking scene, and
- (f) software-enabled coding for interspersing in a scene sequence a variation scene that is selected from a set of variation scenes associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene.

10. (Previously presented) An interactive entertainment system including, in combination, the digital video storage medium of claim 9, and a digital video player having:

- (a) means for enabling the viewer to make the alternative decisions, and
- (b) software able to interpret the data structure in the storage medium for presenting the scene sequences that corresponds to the viewer's decisions, for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene from the set that is related to the particular decision made.

11. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a general purpose computer and monitor.

12. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a game player and television.

13. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a set-top box and a television.

14. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a personal video recorder having digital storage capability and a television.

15. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a computer and a television.

16. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a television having computing capability, wherein the television is adapted to present digital video to a user.

17. (Original) An interactive entertainment system as in claim 10, wherein the digital video player is a cable television system having a computer located at its head-end and a television.

18. (Previously presented) An interactive entertainment embodied in a digital video storage medium with a data structure readable by a digital video player, and having an overall storyline to be delivered to a viewer, said data structure comprising:

- (a) a plurality of potentially viewable scenes grouped as a plurality of acts;
- (b) at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions from which the viewer selects one of the alternative decisions that will determine an order in which a subsequent act will be presented;
- (c) each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed; and
- (d) software-enabled coding for presenting to the viewer an alternate scene in the act that is appropriate for the order in which the act is viewed.

19. Canceled.

20. (Previously presented) An interactive entertainment system including, in combination, the digital video storage medium of claim 18 and a digital video player, comprising:

- (a) means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts; and
- (b) software able to interpret the data structure in the storage medium for presenting to the viewer, in the acts determined by his decision, the act's neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the act is presented.

21. (Original) The interactive entertainment of claim 18, wherein the selectable-order acts have alternative connecting scenes leading into and out of the act.

22. (Previously presented) An interactive entertainment system including in combination the digital video storage medium of claim 21 and a digital video player, comprising:

- (a) means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts; and
- (b) software able to interpret the data structure in the storage medium for presenting to the viewer, in the acts determined by his decision, the connecting scenes appropriate to the order in which the act is presented.

23. Canceled.

24. (Previously presented) An interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a communications network, said interactive entertainment comprising:

- (a) a plurality of potentially viewable scenes;
- (b) some of the scenes defining branching points of the entertainment by presenting alternative decisions from which the viewer selects one of the alternative decisions;
- (c) for each alternative decision at a branching point, a sequence of scenes corresponding to the decision;
- (d) the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene; and
- (e) one or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene and that correspond to the viewer's selected one of the alternative decisions, each set of variation scenes being associated with a scene sequence that is viewable after the linking scene, and
- (f) software-enabled coding for identifying in a scene sequence a variation scene that is selected from a set of variation scenes associated with that scene sequence, wherein

the selection is based upon previous decisions made prior to the linking scene.

25. (Original) The interactive entertainment of claim 24 wherein the interactive entertainment is transmitted to a viewer over a communications network in real time.

26. (Original) The interactive entertainment of claim 24 wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device.

27. (Previously presented) An interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a communications network, said interactive entertainment comprising:

- (a) a plurality of potentially viewable scenes grouped as a plurality of acts;
- (b) at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions from which the viewer selects one of the alternative decisions that will determine an order in which a subsequent act will be presented;
- (c) each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed; and
- (d) software-enabled coding for presenting to the viewer an alternate scene in the act that is appropriate for the order in which the act is viewed.

28. (Original) The interactive entertainment of claim 27 wherein the interactive entertainment is transmitted to a viewer over a communications network in real time.

29. (Original) The interactive entertainment of claim 27 wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device.

30. (Previously presented) An interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a broadcast network, said interactive entertainment comprising:

- (a) a plurality of potentially viewable scenes;
- (b) some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer;
- (c) for each alternative decision at a branching point, a sequence of scenes corresponding to the decision;
- (d) the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene;
- (e) one or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene and that correspond to the viewer's selected one of the alternative decisions, each set of variation scenes being associated with a scene sequence that is viewable after the linking scene, and
- (f) software-enabled coding for identifying in a scene sequence a variation scene that is selected from a set of variation scenes associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene.

31. (Previously presented) An interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a broadcast network, said interactive entertainment comprising:

- (a) a plurality of potentially viewable scenes grouped as a plurality of acts;
- (b) at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions from which the viewer selects one of the alternative decisions that will determine an order in which a subsequent act will be presented;

- (c) each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed; and
- (d) software-enabled coding presenting to the viewer an alternate scene in the act that is appropriate for the order in which the act is viewed.

32. (Previously presented) A method for providing interactive entertainment in periodic serial format, the method comprising the steps of:

- (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of periodic episodes, each episode containing potentially viewable scenes;
- (b) in at least one of the episodes, presenting to the viewer alternative decisions that will determine an order in which a subsequent episode will be presented;
- (c) enabling the viewer to select one of the alternative decisions;
- (d) in each episode that can be presented in a different order, providing alternative connecting scenes leading into and out of the episode;
- (e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent episode;
- (f) presenting to the viewer, in the subsequent episode determined by his decision, the alternative connecting scenes that are appropriate to the order in which the episode is presented.

33. (Previously presented) The method of claim 32 in which the entertainment may be viewed simultaneously by more than one interactive viewer, further comprising the steps of:

- (a) presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent episode will be presented; and
- (b) enabling each interactive viewer to make at least one of the alternative decisions.

34. (Currently amended) An interactive entertainment embodied in a digital video storage medium with a data structure and readable by a digital video player, and having an overall storyline to be delivered to a viewer, said data structure comprising:

- (a) a plurality of potentially viewable scenes grouped as a plurality of periodic episodes;
- (b) at least one of the episodes having a scene that presents to the viewer a at least one set of alternative decisions from which the viewer selects one of the alternative decisions that will determine an order in which a subsequent episode will be presented;
- (c) each episode that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the episode is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the episode is viewed; and
- (d) means for presenting to the viewer one or more of such alternative scenes in the act to provide the alternative content in the act that is appropriate for the order in which the act is viewed.

REMARKS

Claims 1-4, 6-18, 20-22 and 24-34 are pending in the application. A Notice of Appeal to the Board of Patent Appeals and Interferences appealing the final rejection of these claims was submitted to the U.S. Patent and Trademark Office on November 19, 2007. The present amendment is being filed prior to the submission of the Appeal Brief pursuant to 37 CFR 41.33(a).

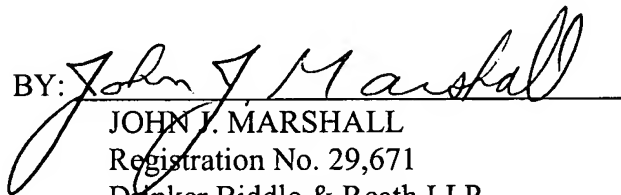
Amendment of claim 34 is proposed to correct an obvious error appearing in the claim. Claim 34 inadvertently recited a method step (i.e., "presenting") within an otherwise non-method claim (i.e., a claim directed to "an interactive entertainment embodied in a digital video storage medium with a data structure and readable by a digital video player"). The proposed amendment corrects the method step to a structural limitation ("means for presenting").

In the event the Examiner denies entry of the proposed amendment, the undersigned authorizes cancellation of claim 34, without prejudice, by an Examiner's Amendment.

Respectfully submitted,

KENT MASSEY

BY:



JOHN J. MARSHALL

Registration No. 29,671

Drinker Biddle & Reath LLP

1000 Westlakes Drive, Suite 300

Berwyn, Pennsylvania 19312

Tel: 610-993-2274

Fax: 610-993-8585

Attorney for Applicant